

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**March 20, 2003**

DIVISION TWO

Court convened at 9:00 AM

Present: Boren, P.J., Nott, J., Doi Todd, J., Ashmann-Gerst, J. and Jim Guzman, Deputy Clerk.

Each of the following:

B159192 People v. Arthur  
B157846 People v. Burns  
B150827 People v. Reich  
B160139 People v. Marvin T.  
B154797 People v. Sigmund  
B160120 Smith v. M.K., a minor  
B156992 People v. Bautista  
B160854 People v. Raul G.  
B160635 Oswald v. Oswald  
B156348 In re: Vanessa R.  
B154552 People v. Shannon, et al.  
B158833 People v. Hampel  
B164397 In re: Deshell F.

Argument waived, cause submitted.

B159315     Kyle  
                 v.  
                 Scherer, et al.

Merits:

Argued by Charles Falkowski for appellant and by Stuart Cohen for respondents. Cause submitted.

DIVISION TWO (Continued)

B159169     Ikpa  
              v.  
              Commission of Teacher Credentialing

Merits:  
Argued by Malcolm Young for appellant and by Jesse Cardenas for respondent. Cause submitted.

B153552     Levoy  
              v.  
              The Sharp Precision Profit Sharing Plan, et al.

Merits:  
Argued by Stanley Bowman for appellant and by Robin McConnell for respondents. Supplemental letter briefs ordered.

B155986     Nesbitt, et al.  
              v.  
              Tutor-Saliba Corporation, et al.

Merits:  
Argued by Brian Unitt for appellants and by Richard Nakamura for respondents. Cause submitted.

B159226     Smith  
              v.  
              Board of Administration, et al.

Merits:  
Argued by Jesse Cardenas for appellants and by Julie Scott for respondent. Cause submitted.

B151774     Hughes Electronics Corporation, et al.  
              v.  
              Liberty Mutual Insurance Company, et al.

Merits:  
Argued by Frederick Hall for appellants and by Steven Bledsoe for respondents. Cause submitted.

DIVISION TWO (Continued)

Court in recess.

Court reconvened at 12:45 PM

Present: Boren, P.J., Nott, J., Doi Todd, J., Ashmann-Gerst, J. and Jim Guzman, Deputy Clerk.

B156574     People  
              v.  
              Rodriguez

Merits:  
Argued by Joanna Rehm for appellant and by Susan Frierson for respondent. Cause submitted.

B157813     People  
              v.  
              Price

Merits:  
Argued by Thomas Johnston for appellant and by Steven Matthews for respondent. Cause submitted.

B158120     Gordon  
              v.  
              Mandell-Kogen

Merits:  
Argued by Randy Berg for appellant and by Kent Zippe for respondent. Cause submitted.

B155510     Bitmayl  
              v.  
              Steiner

Merits:  
Argued by Vernon Jolley for appellant and by Howard Wollitz for respondent. Cause submitted.

DIVISION TWO (Continued)

B156657     Dandridge-Barnett  
              v.  
              Superior Court of Los Angeles, County of Los Angeles

Merits:  
Argued by Krista Dandridge-Barnett for appellant and by Jessica Frazier  
for respondent. Cause submitted.

Court adjourned.

B154507     Contogouris                             (Not for Publication)  
              v.  
              Manios

The order of dismissal and the judgment in favor of Zachariou are reversed.  
The action is stayed on the grounds of fourm non conveniens. Contogouris  
is entitled to his costs on appeal.

Ashmann-Gerst, J.

We concur:    Boren, P.J.  
                      Nott, J.

B157864     People                                     (Not for Publication)  
              v.  
              Bennett

The case is remanded fro resentencing with respect to the weapon use and  
prison prior enhancements as indicated in this opinion and to reduce the  
restitution fines to \$10,000.00 or less at the court's discretion. In all other  
respects, the judgment is affirmed.

Ashmann-Gerst, J.

We concur:    Nott, Acting P.J.  
                      Doi Todd, J.

March 20, 2003 (Continued)

## DIVISION TWO (Continued)

B159428      Delson  
v.  
Lotss, et al.

Filed order denying petition for rehearing.

B154069      Remington  
v.  
Warner Brothers Studios, et al.

Filed order denying petition for rehearing.

DIVISION THREE

B156328      People      (Not for Publication)  
v.  
Weathermon

The judgment is affirmed.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B157754      Los Angeles County, D.C.S.      (Not for Publication)  
v.  
Richard O.

The order of wardship is affirmed.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

## March 20, 2003 (Continued)

### DIVISION THREE (Continued)

B164760      Anna Q.      (Not for Publication)  
v.  
Superior Court of Los Angeles County  
Los Angeles County Department of Children and Family Services

The writ petition is denied.

Klein, P.J.

We concur:   Croskey, J.  
                      Aldrich, J.

B158059      Brosterman                      (Not for Publication)  
v.  
Loeb & Loeb, et al.

The judgment is affirmed. Costs on appeal to defendants.

Croskey, Acting P.J.

We concur:   Kitching, J.  
                      Aldrich, J.

B158686      Arias      (Not for Publication)  
v.  
Bank of America

The judgment is affirmed. Costs on appeal to defendant.

Croskey, J.

We concur: Klein, P.J.  
Aldrich, J.

B154343 People (Not for Publication)  
v.  
Davitashuili

The judgment is affirmed.

Croskey, J.

We concur: Klein, P.J.  
Aldrich, J.

## DIVISION FOUR

B158277 People (Not for Publication)  
v.  
Tatiana H.

Condition number 15 of appellant's probation is modified to read, in relevant part, as follows: "Do not associate with...anyone known to you to be disapproved of by parents or probation officer." Condition of probation number 21 is modified to read, in relevant part, as follows: "Stay away from places known to you to be places where users congregate." As modified, the judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.  
Epstein, J.

B138027      In re Conservatorship of Joseph Charles Ash  
Filed order denying petition for rehearing.

## DIVISION FIVE

B161041 Kirsten Fox, et al. v. The People of the State of California  
Filed order denying petition for rehearing.

## DIVISION SIX

B157888 People  
v.  
Maldonado, et al.

The Court:

On July 19, 2003, Judge Larry P. Fidler of the Superior Court of California, County of Los Angeles, entered an order recalling the sentence of appellant Joseph Aghazedah. Therefore, the appeal of appellant Aghazadeh is severed from appeal B157888 and assigned case number B165694. Appellant's counsel, David Thompson, is granted 15 days from the date of this order to augment the record, if necessary. Respondent's brief in case number B157888 is due on or before April 21, 2003.

## DIVISION SEVEN

B160840 People (Not for Publication)  
v.  
Francisco J.

The judgment is reversed.

Perluss, P.J.

We concur: Woods, J.  
Munoz, J. (Assigned)

B154516      Whitmore      (Not for Publication)  
v.  
Paul, et al.

The judgment is reversed. The case is remanded to the trial court for further proceedings not inconsistent with this opinion. Whitmore is to recover his costs on appeal.

Perluss, P.J.

We concur: Woods, J.  
Munoz, J. (Assigned)

B158448 People v.  
Ellington

(Not for Publication)

The judgment is affirmed with respect to Ellington's sentence on count 1 and reversed with respect to the two one-year enhancement imposed under section 667.5, subdivision (b). The abstract of judgment is ordered corrected to: (1) delete reference to the additional enhancements imposed but suspended under section 667.5, subdivision (b); (2) reflect Ellington's entitlement to 1,095 days of actual custody credits; and (3) reflect Ellington's entitlement to 192 days of conduct credits. The superior court is directed to prepare a corrected abstract of judgment and forward it to the Department of Corrections.

Perluss, P.J.

We concur:   Johnson, J.  
                      Woods, J.



## DIVISION SEVEN (Continued)

B158184 Morin (Not for Publication)

V.  
Elwood, et al.

The order denying the special motion to strike as to Terri and Edwards is affirmed. The order denying the special motion to strike as to Darla and Meinke is reversed. The order denying Barry's special demurrer also is reversed. On remand the trial court is directed to (1) consider under Code of Civil Procedure section 425.16 whether Morin has met his burden to demonstrate a reasonable probability he will prevail on his causes of action against Darla and Meinke and, thereafter, enter a new order granting or denying the special motion to strike as to Darla and Meinke; (2) enter an order sustaining Barry's special demurrer under Civil Code section 1714.10 to the conspiracy cause of action against her and striking that cause of action from the first amended complaint; and (3) conduct further proceedings not inconsistent with this opinion. The parties shall bear their own costs on appeal.

Perluss, P.J.

We concur:   Johnson, J.  
                      Woods, J.

B157178      Wolf, et al.  
v.  
Superior Court, Los Angeles County  
(Walt Disney Pictures and Television, r.p.i.)

Filed order modifying opinion. Petition for rehearing is denied. Justice Johnson would grant petition for rehearing. (No change in the judgment)

B151534 Fletcher  
v.  
Davis, et al.

Filed order denying petitions for rehearing.